

## **REMARKS**

In view of the following remarks, reconsideration and allowance of this patent application is earnestly solicited. Claims 1-8, 10-22 and 24-28 are pending in this application. Claims 9 and 23 were previously withdrawn from consideration. Claims 5-8, 10-14, 18-22 and 24-28 have been allowed. Claims 1, 2, 15 and 16 stand rejected. Claims 3, 4 and 17 are objected to as being dependent on rejected base claims, but the Examiner has indicated that these claims would be allowable if rewritten in appropriate independent form.

### **I. Interview Summary**

Applicants' undersigned attorney, Leslie Nguyen, would like to thank Examiner Fleming for the courtesies extended during a telephone interview conducted on November 3, 2008. Given the Examiner's continued reliance on the Huster reference (DE 102 03 075), the principal reference cited by the Examiner, Applicants had requested the interview to further discuss this reference vis-à-vis Applicants' invention as claimed in rejected claims 1, 2, 15 and 16 (including to further discuss the arguments set forth in Applicants' previous Office Action Reply dated March 3, 2008), so as to advance the prosecution of this application.

During the telephone interview, in addressing the Examiner's application of Huster in rejecting independent claims 1 and 15 on anticipation grounds, Applicants' attorney argued that Huster is fundamentally different from the present claimed invention because Huster does not teach or suggest automatically controlling the effective delivery capacity of a compressed-air delivery device as a function of the state defined by the arrangement of valves defining a plurality of states. Applicants' attorney further argued

that the system of Huster cannot anticipate the present claimed invention because the Huster system provides the same delivery capacity for the bellows as it does for the compressed air reservoir. Furthermore, the Huster system cannot simultaneously supply compressed air to the bellows and the compressed air reservoir because a circulation valve is needed to connect a high pressure line, which is connected to the compressed-air delivery device and bellows, to a separate low pressure line, which is connected to a compressed air reservoir.

Based on Applicants' arguments, the Examiner appeared to be persuaded that the present invention as claimed in rejected claims 1, 2, 15 and 16 is patentable over Huster. Accordingly, the Examiner suggested that Applicants file a response to the outstanding Office Action including the arguments presented during the interview.

## **II. Detailed Response**

In the Office Action, the Examiner rejected independent claims 1 and 15 under 35 U.S.C. §102(a) as being anticipated by Huster. Applicants respectfully traverse the foregoing claim rejections for the reasons set forth hereinafter.

As discussed with the Examiner during the November 3, 2008 telephone interview, and as set forth in detail in the present patent application, Applicants' invention is directed to embodiments of a new vehicle air-suspension system that includes at least one compressed-air delivery device, a plurality of air-suspension bellows and valves constructed and arranged for automatically controlling the effective air delivery capacity of the compressed-air delivery device as a function of the state defined by the arrangement of the valves. *See e.g.*, paragraphs [0146] - [0155] of Applicants' published application.

The Huster reference cited by the Examiner describes embodiments of a closed pneumatic chassis regulation system. The closed regulation system of Huster is divided into a high pressure line and a low pressure line. The compressed-air delivery device and bellows are connected to the high pressure line. A single compressed air reservoir is connected to the low pressure line. A circulation valve is needed to connect the high pressure line to the low pressure line in order to fill the compressed air reservoir with compressed air from the delivery device. However, this connection can be made only if the bellows do not require compressed air from the delivery device. That is, the delivery device cannot simultaneously supply compressed air to the bellows and the compressed air reservoir.

The Huster system has the same delivery capacity for the bellows as it does for the compressed air reservoir. The valve arrangement of Huster determines which components are supplied with compressed air from the delivery device. This is in stark contrast to embodiments of the present invention which involve adjusting effective delivery capacity during filling of the bellows.

Thus, as discussed during the telephone interview, Huster is fundamentally different from the present claimed invention because Huster nowhere teaches or suggests automatically controlling the effective delivery capacity of a compressed-air delivery device as a function of the state defined by the arrangement of valves defining a plurality of states as claimed in claims 1 and 15 of the present application. Huster cannot anticipate the present claimed invention because the Huster system provides the same delivery capacity for the bellows as it does for the compressed air reservoir; the Huster system cannot simultaneously supply compressed air to the bellows and the compressed air

reservoir because a circulation valve is needed to connect a high pressure line, which is connected to the compressed-air delivery device and bellows, to a separate low pressure line, which is connected to a compressed air reservoir.

The Federal Circuit has instructed that anticipation requires the disclosure in a single prior art reference of each element of the claim under consideration. *See W.L. Gore & Assocs. v. Garlock, Inc.*, 220 USPQ 303 (Fed. Cir. 1983), *cert. denied*, 469 U.S. 841 (1984); *see also Lindemann Maschinenfabrik GmbH v. American Hoist & Derrick Co.*, 221 USPQ 481, 485 (Fed. Cir. 1984) (requiring that the prior art reference disclose each element of the claimed invention arranged as in the claim). Considering that the method and system of the present invention as claimed in independent claims 1 and 15 differ structurally, operationally and functionally from the system disclosed in Huster, as discussed above, it is respectfully submitted that independent claims 1 and 15 are not anticipated by and are patentable over Huster. Notice to this effect is earnestly solicited.

In the Office Action, the Examiner also rejected dependent claims 2 and 16 under 35 U.S.C. §103(a) as being unpatentable over Huster in view of Roemer (DE 100 55 108). Applicants respectfully traverse these claim rejections for the reasons set forth hereinafter.

As is the case with Huster, Roemer (which, incidentally, is discussed in the Background of the Invention Section of Applicants' present patent application) nowhere teaches or suggests automatically controlling the effective delivery capacity of the compressed-air delivery device as a function of a state of the plurality of states defined by the arrangement of the valves as affirmatively claimed in independent claims 1 and 15, from which claims 2 and 16 respectively depend. Thus, Roemer does not cure the severe

deficiencies of Huster as discussed above; and it follows that claims 2 and 16, which depend from independent claims 1 and 15, respectively, are allowable for the same reasons articulated above with respect to Huster, as well as for the additional steps, features and structure recited therein.

The Examiner's specific reliance on Roemer for its disclosure of a pump for drawing air from atmosphere to fill air springs based on the pressure within the vehicle air suspension system (*see* Roemer at 4:16-62) is misplaced. Applicants' claimed process step/means for controlling at least one of speed and rpm of the compressed-air delivery device as recited in dependent claims 2 and 16 (*see* e.g., paragraphs [0137] and [0144] of Applicants' published application) is so fundamentally different from the pump disclosed in Roemer that one of ordinary skill in the art would not be motivated, let alone equipped, to modify Huster, based on the pump of Roemer, to arrive at the present claimed invention.

Accordingly, claims 2 and 16 of the present application recite features and structure nowhere found in either of the Huster or Roemer references, and, thus, these references, whether taken alone or in combination, cannot yield, teach or suggest the present claimed invention. Notice to this effect is also earnestly requested.

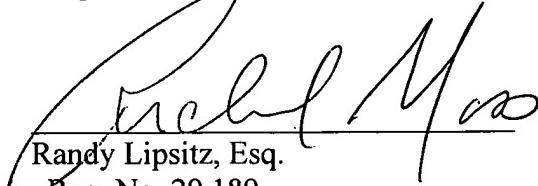
On the basis of the November 3, 2008 telephone interview and the foregoing remarks, Applicants respectfully submit that this application is in condition for immediate allowance. Notice to this effect is respectfully solicited.

The Examiner is invited to contact Applicants' undersigned attorneys at the telephone number set forth below if it will advance the prosecution of this case.

No fee is believed due with this Response other than the \$490.00 fee associated with the Petition for a Two Month Extension of Time submitted herewith.

Please charge any fee deficiency and credit any overpayment to Deposit Account No. 50-0540.

Respectfully submitted,



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